

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE/S Nicodemus Rd., 1600' W of
Berrymans La. (1020 Nicodemus
Rd.), 4th District : OF BALTIMORE COUNTY

ROBERT E. LINZ, JR., Petitioner Case No. 88-494-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 29th day of April, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. Robert E. Linz, Jr., 1018 Nicodemus Rd., Reisterstown, MD 21136, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

4/1/88
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 350, Zoning Advisory Committee Meeting of April 5, 1988

Property Owner: Robert E. Linz, Jr.

Location: NE/S Nicodemus Rd., 1600' W of Berrymans La. District 4

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a building permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a building permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications must be submitted to the Bureau of Air Quality Management, 494-3775, for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Material and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been conducted.
- () The results are valid until August 1, 1988. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the probability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If evaluation of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others

Karen M. Cherry

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 5/3/88

Mr. Robert E. Linz, Jr.
1018 Nicodemus Road
Reisterstown, Maryland 21136

Re: Petition for Zoning Variance
CASE NUMBER: 88-494-A
NE/S Nicodemus Road, 1600' W of Berrymans La.
(1020 Nicodemus Road)
4th Election District - 3rd Councilmand
Petitioner(s): Robert E. Linz, Jr.
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 10:00 a.m.

Dear Mr. Linz:

Please be advised that \$71.70 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing.

BALTIMORE COUNTY, MARYLAND No. 52732
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 6/13/88 ACCOUNT: 6-01-615-000

AMOUNT: \$ 71.70

RECEIVED BY: Robert E. Linz, Jr.

FOR: Peter Max Zimmerman

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: May 16, 1988
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petitions #88-477-SpH, 88-478-SpH, 88-489-SpH, 88-494-A, 88-497-SpH

In view of the subject of these petitions, this office offers no comment.

PDF/jat

cc: Shirley Hess, People's Counsel
J. G. Howell
Zoning Office

RECEIVED
MAY 17 1988

ZONING OFFICE

cc: Mr. Robert E. Linz, Jr.
5/18/88/jf

CPS-008

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

April 19, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-494-A
NE/S Nicodemus Road, 1600' W of Berrymans La.
(1020 Nicodemus Road)
4th Election District - 3rd Councilmand
Petitioner(s): Robert E. Linz, Jr.
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 10:00 a.m.

Variance to allow a single family dwelling to be constructed on a lot of less than 3 acres to allow the creation of a lot with less than the minimum 300 feet diameter and to allow side yard setbacks of 20 feet and 30 feet in lieu of the required 50 feet respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Robert E. Linz, Jr.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Towson, Maryland 21204
494-3554

May 10, 1988

Dear Mr. Haines:
The Bureau of Traffic Engineering has no comments for items number 348, 349, 350, 351, 352, 353, 355, 356 and 357.

Very truly yours,

Stephen E. Heber
Stephen E. Heber, P.E.
Assistant Traffic Engineer

SEW/RF/pm-b

88-494-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 6th day of April, 1988.

Petitioner: Robert E. Linz, et ux
Petitioner's Attorney

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Rebeck
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

April 14, 1988

Re: Property Owner: Robert E. Linz, Jr.

Location: NE/S Nicodemus Rd., 1600' W of Berrymans Lane

Item No.: 350

Zoning Agenda: Meeting of 4/5/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *John F. O'Neill*
Noted and Approved: Fire Prevention Bureau
Special Inspection Division

/j1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 27, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Mr. Robert E. Linz, Jr.
1018 Nicodemus Road
Reisterstown, Maryland 21136

RE: Item No. 350 - Case No. 88-494-A
Petitioner: Robert E. Linz, et ux
Petition for Zoning Variance

Dear Mr. Linz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

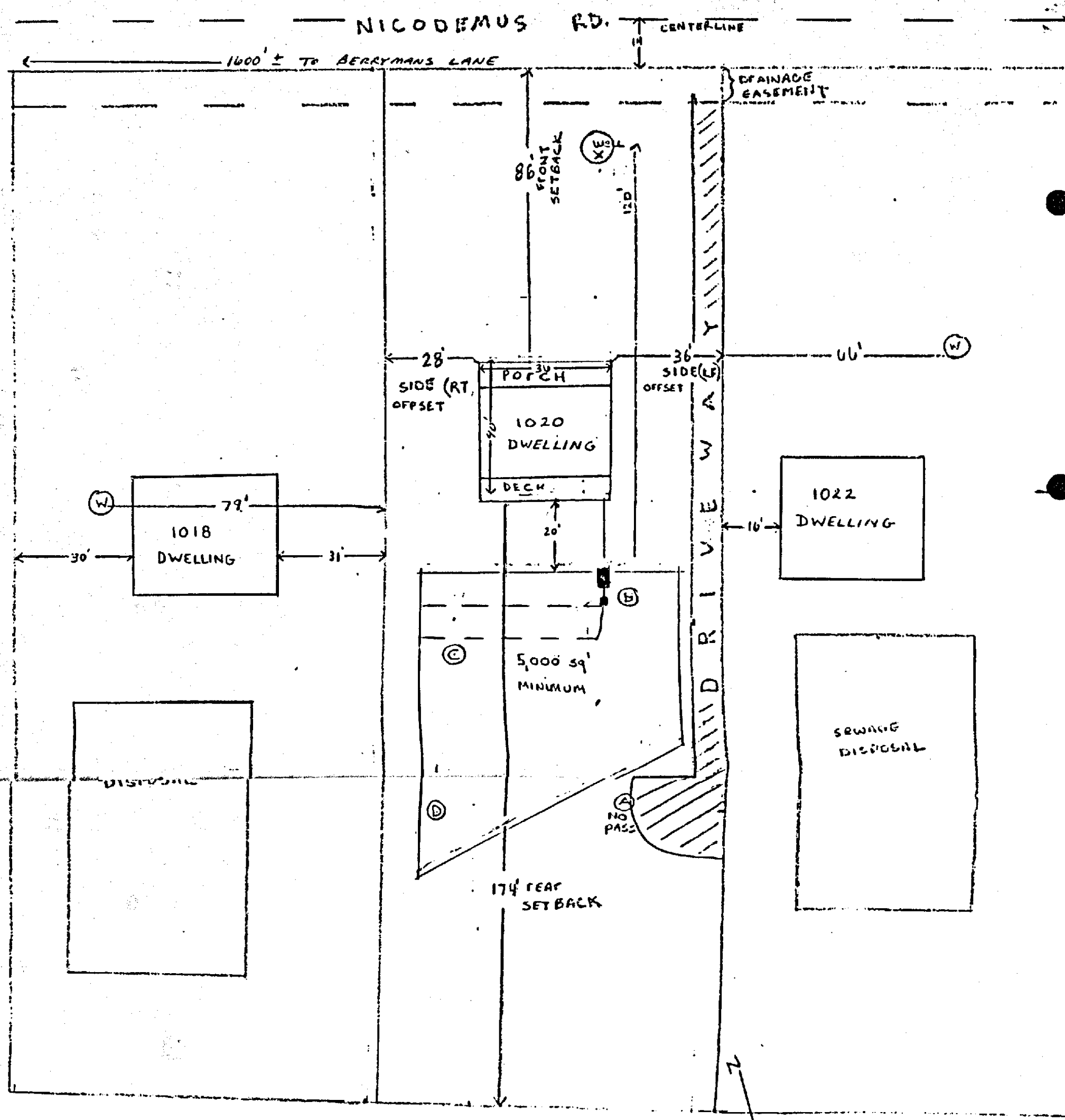
James E. Dyer
JAMES E. DYER

Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

88-494-A R LINZ



ZONING RC4
4th DISTRICT
1" = 30'

O.K. TO FILE 2/25/68
DEPT. OF ENVIRONMENTAL
PROTECTION & RESOURCE MGMT.
FINAL APPROVED PLAN

PETITIONER'S
Exhibit #1

JAMES R. BROWN, III
ATTORNEY AT LAW
8345 FORTER AVE.
BALTIMORE, MD. 21284

88-494-A

NO TRANSFER TAX
NO STAMPS
NO CONSIDERATION

THIS DEED, made this 22nd day of January, in the year Nineteen Hundred and Seventy-Six, by and between MARGUERITE E. LINZ of Baltimore County State of Maryland, party of the first part; and ROBERT E. LINZ, CUSTODIAN FOR ROBERT E. LINZ, JR., under the Maryland Uniform Gift to Minors Act, until the minor child reaches twenty-one years of age.

WHEREAS, on February 15, 1968, the party of the first part, by deed recorded among the Land Records of Baltimore County in Liber O.T.G. 4849, folio 376, was granted and conveyed a life estate in the hereinafter described property, reserving full power to the grantor to lease, mortgage, sell or otherwise dispose of any interest therein by deed or other conveyance during her lifetime; and

WHEREAS, it is the intention of the party of the first part to avail herself of the said powers in the aforesaid deed by the execution of the within deed;

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said MARGUERITE E. LINZ does grant and convey unto ROBERT E. LINZ, CUSTODIAN FOR ROBERT E. LINZ, JR., under the Maryland Uniform Gift to Minors Act, until the minor child reaches twenty-one years of age, reserving, however, a life estate for and during the term of her natural life, with full power in her and the remainder over as hereinafter provided and subject to those powers and limitations hereinafter mentioned, in fee simple, all that lot of ground situate, lying and being in the Fourth Election District, Baltimore County, State of Maryland, and described as follows, that is to say:--

BEGINNING for the same at a point in the center line of the Nicodemus Road, which point is South 47 degrees 32 minutes East 100 feet from the beginning of the fourth or South 47 degrees 32 minutes East 790 foot line of the tract of land which by deed dated March 28, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1543, folio 437 was granted and conveyed by Louis B. Clark and wife to George W. Myers et al which said point is also at the southeast corner of the lot of ground which by deed dated March 22, 1951, and recorded among the Land Records aforesaid in Liber G.L.B. No. 1949, folio 108 was granted and conveyed by George W. Myers et al to Kenneth B. Leiby and wife and running thence and binding on the center of Nicodemus Road South 47 degrees 32 minutes East 100 feet to the southwest corner of the lot of ground which by deed dated September 6, 1947 and recorded among the Land Records aforesaid in Liber J.W.B. No. 1595, folio 406 was granted and conveyed by George W. Myers et al to Bernard L. Morris and Doris C. Morris and running thence and binding on said last mentioned lot North 42 degrees 28 minutes East 16.04 feet to a stake thence continuing the same course 283.96 feet to a stake, thence North 47 degrees 32 minutes West 100 feet to a stake, the northeast corner of the lot conveyed by Myers et al to Kenneth B. Leiby and wife, thence binding on said last mentioned lot South 42 degrees 28 minutes West 283.96 feet to a stake and continuing the same course 16.04 feet to a point in the center of Nicodemus Road, the point and place of beginning. Containing .7 of an acre of land, more or less.

88-494-A

NO CONSIDERATION
NO TRANSFER TAX
NO DOCUMENTARY STAMPS

THIS DEED, Made this 29th day of May in the year one thousand nine hundred and eighty-seven by and between MARGUERITE E. LINZ of Baltimore County in the State of Maryland, of the first part, and ROBERT E. LINZ, JR. of Baltimore County, in the State of Maryland of the second part.

WITNESSETH that in consideration of the sum of No Dollars, for love and affection, the said MARGUERITE E. LINZ

do as grant and convey unto ROBERT E. LINZ, JR., his heirs, personal representatives and assigns, in fee-simple, all that lot of ground situate, lying and being in the Fourth Election District of Baltimore County and described as follows, that is to say

BEGINNING for the same at a point in the center line of the Nicodemus Road, which point is South 47 degrees 32 minutes East 100 feet from the beginning of the fourth or South 47 degrees 32 minutes East 790 foot line of the tract of land which by Deed dated March 28, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1543, folio 437 was granted and conveyed by Louis B. Clark and wife to George W. Myers et al which said point is also at the southeast corner of the lot of ground which by deed dated March 22, 1951, and recorded among the Land Records aforesaid in Liber G.L.B. No. 1949, folio 108 was granted and conveyed by George W. Myers et al to Kenneth B. Leiby and wife and running thence and binding on the center of Nicodemus Road South 47 degrees 32 minutes East 100 feet to the southwest corner of the lot of ground which by deed dated September 6, 1947 and recorded among the Land Records aforesaid in Liber J.W.B. No. 1595, folio 406 was granted and conveyed by George W. Myers et al to Bernard L. Morris and Doris C. Morris and running thence and binding on said last mentioned lot North 42 degrees 28 minutes East 16.04 feet to a stake thence continuing the same course 283.96 feet to a stake, thence North 47 degrees 32 minutes West 100 feet to a stake, the northeast corner of the lot conveyed by Myers et al to Kenneth B. Leiby and wife, thence binding on said last mentioned lot South 42 degrees 28 minutes West 283.96 feet to a stake and continuing the same course 16.04 feet to a point in the center of Nicodemus Road, the point and place of beginning. Containing .7 of an acre of land, more or less.

Petitioner's
Exhibit 2

88-494-A R LINZ
LIBER 849 PAGE 376

THIS DEED made this 15th day of February, 1968, by and between GERALD HUNTER MYERS, by ANNABELLE LEE MYERS of Baltimore County, State of Maryland, his attorney in fact, under a certain Power of Attorney dated January 8, 1968 and recorded among the Land Records of Baltimore County prior hereto, and ANNABELLE LEE MYERS, his wife, of Baltimore County, State of Maryland, parties of the first part; and ALBERT G. LINZ and MARGUERITE E. LINZ, his wife, of Baltimore County, State of Maryland, parties of the second part.

WHEREAS, on the 22nd day of August, 1951, the party of the first part, GERALD HUNTER MYERS, by a fee simple deed, recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2008, folio 84, was granted and conveyed a life estate in the hereinafter described property, reserving full power to the within Grantor to lease, mortgage, sell or otherwise dispose of any interest therein, including the fee simple interest, by deed or other conveyance during his lifetime and to apply the proceeds thereof to his own use; and

WHEREAS, it is now the intention of the party of the first part to avail himself of the said powers reserved in the aforesaid deed, by disposing of the entire estate, both the natural life estate and any remainder estate, and to forever extinguish both the natural life estate and the estate in remainder created by the aforementioned deed.

WITNESSETH, that in consideration of the sum of FIVE DOLLARS (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said GERALD HUNTER MYERS, by ANNABELLE LEE MYERS, his Attorney in fact, and ANNABELLE LEE MYERS, his wife, parties of the first part, do hereby grant and convey unto the said ALBERT G. LINZ and MARGUERITE E. LINZ, his wife, in fee simple, for life, for their joint lives and for the life of the survivor, subject to the powers and limitations hereinafter set forth below, and upon the death of the survivor of them, then unto ROBERT E. LINZ, absolutely, in fee simple, all that lot of ground situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland and described as follows, that is to say:

